

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

NOV 1 2011

U.S. DISTRICT COURT
CLARKSBURG, WV 26301

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No.: 3:11-CR-54

**Violations: 18 U.S.C. § 2
18 U.S.C. § 371
18 U.S.C. § 1503(a)
18 U.S.C. § 1512(c)(2)**

**BARTON JOSEPH ADAMS,
JOSEPHINE ARTILLAGA ADAMS,
Defendants.**

SUPERSEDING INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Conspiracy to Obstruct, Influence and Impede an Official Proceeding and Attempt to Do So)

1. On or about September 20, 2006, the Office of the Inspector General of the Department of Health and Human Services began an official proceeding in the Northern District of West Virginia, investigating allegations the defendant BARTON JOSEPH ADAMS was engaging in health care fraud.

2. In or about at least August, 2007, defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS obtained knowledge and notice of the official proceeding referenced in paragraph 1.

3. On or about July 1, 2008, defendant JOSEPHINE ARTILLAGA ADAMS obtained a shell corporation known as Keyfield Ltd. in the British Virgin Islands.

4. On or about August 15, 2008, defendant JOSEPHINE ARTILLAGA ADAMS opened a bank account in the name of Keyfield Ltd. at the HSBC Bank in Hong Kong.

5. On or about August 21, 2008, defendant JOSEPHINE ARTILLAGA ADAMS opened a bank account in the name of Keyfield Ltd. at the Standard Chartered Bank in Hong Kong.

6. On or about August 25, 2008, defendant JOSEPHINE ARTILLAGA ADAMS opened a bank account in her own name at the HSBC Bank in Hong Kong.

7. From in or about August, 2007, and continuing through the date of this Superseding Indictment, defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS, together, and with others not known to the Grand Jury, did knowingly and willfully combine, conspire, confederate and agree, and have a tacit understanding with each other to commit an offense against the United States, to wit: to violate Title 18, United States Code, Section 1512(c)(2). It was a purpose and object of the conspiracy to corruptly obstruct, influence, and impede an official proceeding, and attempt to do so, in violation of Title 18, United States Code, Section 1512(c)(2).

8. It was part of the conspiracy that the defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS would corruptly obstruct and impede the official proceeding alleged in paragraph 1, and attempt to do so, by defendant JOSEPHINE ARTILLAGA ADAMS knowingly incorporating a shell corporation in the British Virgin Islands, and by defendant JOSEPHINE ARTILLAGA ADAMS knowingly opening foreign bank accounts in Hong Kong, Canada, and the Philippines, and by defendant JOSEPHINE ARTILLAGA ADAMS knowingly opening domestic bank accounts, each for the purpose of laundering health care fraud proceeds to prevent and attempt to prevent forfeiture of criminally derived proceeds.

9. It was a further part of the conspiracy that defendants BARTON JOSEPH ADAMS

and JOSEPHINE ARTILLAGA ADAMS would corruptly obstruct and impede the official proceeding alleged in paragraph 1, and attempt to do so, by engaging in money laundering practices of the aforementioned health care fraud proceeds, and by hiding, transferring, dissipating, and unlawfully using criminally derived proceeds.

10. In furtherance of the conspiracy and to achieve the objects thereof in the Northern District of West Virginia and elsewhere, defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS committed and caused to be committed an overt act, including, but not limited to:

a. On or about August 8, 2007, defendant BARTON JOSEPH ADAMS wire transferred one hundred thousand (\$100,000) dollars to defendant JOSEPHINE ARTILLAGA ADAMS at the Philippine National Bank.

b. On or about August 8, 2007, defendant BARTON JOSEPH ADAMS wire transferred another one hundred thousand (\$100,000) dollars to defendant JOSEPHINE ARTILLAGA ADAMS at the Philippine National Bank.

c. On or about August 20, 2007, defendant BARTON JOSEPH ADAMS wire transferred two hundred thousand (\$200,000) dollars to defendant JOSEPHINE ARTILLAGA ADAMS at the Philippine National Bank.

d. On or about August 20, 2007, defendant BARTON JOSEPH ADAMS wire transferred two hundred fifty thousand (\$250,000) dollars to defendant JOSEPHINE ARTILLAGA ADAMS at HSBC Bank Canada.

e. On or about September 4, 2007, defendant BARTON JOSEPH ADAMS wire transferred one hundred thousand (\$100,000) dollars to defendant JOSEPHINE ARTILLAGA

ADAMS at China Bank, Philippines.

f. On or about September 17, 2007, defendant BARTON JOSEPH ADAMS wire transferred two hundred thousand (\$200,000) dollars to defendant JOSEPHINE ARTILLAGA ADAMS at HSBC Bank Canada.

g. On or about September 25, 2007, defendant BARTON JOSEPH ADAMS wire transferred ninety thousand (\$90,000) dollars to defendant JOSEPHINE ARTILLAGA ADAMS at HSBC Bank Canada.

h. On or about September 28, 2007, defendant BARTON JOSEPH ADAMS wire transferred one hundred twenty thousand (\$120,000) dollars to defendant JOSEPHINE ARTILLAGA ADAMS at HSBC Bank Canada.

i. On or about November 6, 2007, defendant BARTON JOSEPH ADAMS wire transferred two hundred seventy-two thousand nine hundred-thirty three dollars and ten cents (\$272,933.10) to defendant JOSEPHINE ARTILLAGA ADAMS at HSBC Bank Canada.

j. On or about November 14, 2007, defendant BARTON JOSEPH ADAMS wire transferred two hundred thousand (\$200,000) dollars to defendant JOSEPHINE ARTILLAGA ADAMS at HSBC Bank Canada.

k. On or about July 1, 2008, defendant JOSEPHINE ARTILLAGA ADAMS obtained a shell corporation known as Keyfield Ltd. in the British Virgin Islands.

l. On or about August 15, 2008, defendant JOSEPHINE ARTILLAGA ADAMS opened a bank account in the name of Keyfield Ltd. at the HSBC Bank in Hong Kong.

m. On or about August 21, 2008, defendant JOSEPHINE ARTILLAGA ADAMS opened a bank account in the name of Keyfield Ltd. at the Standard Chartered Bank in Hong Kong.

n. On or about August 25, 2008, defendant JOSEPHINE ARTILLAGA ADAMS opened a bank account in her own name at the HSBC Bank in Hong Kong.

o. On or about November 20, 2008, defendant JOSEPHINE ARTILLAGA ADAMS negotiated a check in the amount of eight thousand eight hundred (\$8,800) dollars issued by HSBC Bank Hong Kong.

p. On or about November 24, 2008, with a defendant's authorization, an ATM withdrawal was made in Martinsburg, West Virginia, of five hundred (\$500) dollars from defendant JOSEPHINE ARTILLAGA ADAMS' account at JP Morgan Chase.

q. On or about December 2, 2008, defendant JOSEPHINE ARTILLAGA ADAMS negotiated a check in the amount of fifteen thousand nine hundred eighty-eight dollars and eighty seven cents (\$15,988.87) issued by HSBC Bank Hong Kong.

r. On or about March 31, 2009, defendant JOSEPHINE ARTILLAGA ADAMS closed a bank account in the name of Keyfield Ltd. at the Standard Chartered Bank in Hong Kong.

s. On or about June 30, 2009, defendant JOSEPHINE ARTILLAGA ADAMS closed a bank account in the name of Keyfield Ltd. at the Standard Chartered Bank in Hong Kong.

t. On or about July 31, 2009, defendant JOSEPHINE ARTILLAGA ADAMS closed a bank account in the name of Keyfield Ltd. at the Standard Chartered Bank in Hong Kong.

u. and other overt acts.

In violation of Title 18, United States Code, Section 371.

COUNT TWO

(Conspiracy to Influence, Obstruct and Impede the Due Administration of Justice and Endeavor to Do So)

1. Paragraph 1 of Count One is incorporated by reference.
2. On or about October 13, 2008, defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS obtained knowledge and notice of a judicial proceeding commenced against defendant BARTON JOSEPH ADAMS in the United States District Court for the Northern District of West Virginia in case number 3:08MJ31 and continued in case number 3:08CR77.
3. From on or about October 13, 2008, and continuing through the date of this Superseding Indictment, defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS, together, and with others not known to the Grand Jury, did knowingly and willfully combine, conspire, confederate and agree, and have a tacit understanding with each other to commit an offense against the United States, to wit: to violate Title 18, United States Code, Section 1503(a). It was a purpose and object of the conspiracy to corruptly influence, obstruct and impede the due administration of justice, and endeavor to do so, in violation of Title 18, United States Code, Section 1503(a).
4. It was a further part of the conspiracy that defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS would corruptly influence, obstruct and impede the due administration of justice, and endeavor to do so, by engaging in money laundering practices of the aforementioned health care fraud proceeds, and by hiding, transferring, dissipating, and unlawfully using criminally derived proceeds to prevent and attempt to prevent their forfeiture.

5. In furtherance of the conspiracy and to achieve the objects thereof in the Northern District of West Virginia and elsewhere, defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS did complete and cause to be completed an overt act, including, but not limited to:

a. On or about November 20, 2008, defendant JOSEPHINE ARTILLAGA ADAMS negotiated a check in the amount of eight thousand eight hundred (\$8,800) dollars issued by HSBC Bank Hong Kong.

b. On or about November 24, 2008, with a defendant's authorization, an ATM withdrawal was made in Martinsburg, West Virginia, of five hundred (\$500) dollars from defendant JOSEPHINE ARTILLAGA ADAMS' account at JP Morgan Chase.

c. On or about December 2, 2008, defendant JOSEPHINE ARTILLAGA ADAMS negotiated a check in the amount of fifteen thousand nine hundred eighty-eight dollars and eighty seven cents (\$15,988.87) issued by HSBC Bank Hong Kong.

d. On or about March 31, 2009, defendant JOSEPHINE ARTILLAGA ADAMS closed a bank account in the name of Keyfield Ltd. at the Standard Chartered Bank in Hong Kong.

e. On or about June 30, 2009, defendant JOSEPHINE ARTILLAGA ADAMS closed a bank account in the name of Keyfield Ltd. at the Standard Chartered Bank in Hong Kong.

f. On or about July 31, 2009, defendant JOSEPHINE ARTILLAGA ADAMS closed a bank account in the name of Keyfield Ltd. at the Standard Chartered Bank in Hong Kong.

g. and other overt acts.

In violation of Title 18, United States Code, Section 371.

COUNT THREE

(Obstruction of Justice and Attempt to do so - Aiding and Abetting)

1. Paragraph 1 of Count One is incorporated by reference.
2. On or about August 8, 2007, in furtherance of the conspiracy alleged in Count One of this Superseding Indictment, defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS, aided and abetted by each other, did corruptly obstruct, influence, and impede an official proceeding in the Northern District of West Virginia, and attempt to do so, in that defendant BARTON JOSEPH ADAMS wire transferred one hundred thousand (\$100,000) dollars to defendant JOSEPHINE ARTILLAGA ADAMS at the Philippine National Bank.

In violation of Title 18, United States Code, Sections 1512(c)(2) and 2.

COUNT FOUR

(Obstruction of Justice and Attempt to do so - Aiding and Abetting)

1. Paragraph 1 of Count One is incorporated by reference.
2. On or about August 8, 2007, after the wire transfer transaction alleged in Count Three, in furtherance of the conspiracy alleged in Count One of this Superseding Indictment, defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS, aided and abetted by each other, did corruptly obstruct, influence, and impede an official proceeding in the Northern District of West Virginia, and attempt to do so, in that defendant BARTON JOSEPH ADAMS wire transferred one hundred thousand (\$100,000) dollars to defendant JOSEPHINE ARTILLAGA ADAMS at the Philippine National Bank.

In violation of Title 18, United States Code, Sections 1512(c)(2) and 2.

COUNT FIVE

(Obstruction of Justice and Attempt to do so - Aiding and Abetting)

1. Paragraph 1 of Count One is incorporated by reference.
2. On or about August 20, 2007, in furtherance of the conspiracy alleged in Count One of this Superseding Indictment, defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS, aided and abetted by each other, did corruptly obstruct, influence, and impede an official proceeding in the Northern District of West Virginia, and attempt to do so, in that defendant BARTON JOSEPH ADAMS wire transferred two hundred thousand (\$200,000) dollars to defendant JOSEPHINE ARTILLAGA ADAMS at the Philippine National Bank.

In violation of Title 18, United States Code, Sections 1512(c)(2) and 2.

COUNT SIX

(Obstruction of Justice and Attempt to do so - Aiding and Abetting)

1. Paragraph 1 of Count One is incorporated by reference.
2. On or about August 20, 2007, in furtherance of the conspiracy alleged in Count One of this Superseding Indictment, defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS, aided and abetted by each other, did corruptly obstruct, influence, and impede an official proceeding in the Northern District of West Virginia, and attempt to do so, in that defendant BARTON JOSEPH ADAMS wire transferred two hundred fifty thousand (\$250,000) dollars to defendant JOSEPHINE ARTILLAGA ADAMS at HSBC Bank Canada.

In violation of Title 18, United States Code, Sections 1512(c)(2) and 2.

COUNT SEVEN

(Obstruction of Justice and Attempt to do so - Aiding and Abetting)

1. Paragraph 1 of Count One is incorporated by reference.
2. On or about September 4, 2007, in furtherance of the conspiracy alleged in Count One of this Superseding Indictment, defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS, aided and abetted by each other, did corruptly obstruct, influence, and impede an official proceeding in the Northern District of West Virginia, and attempt to do so, in that defendant BARTON JOSEPH ADAMS wire transferred one hundred thousand (\$100,000) dollars to defendant JOSEPHINE ARTILLAGA ADAMS at China Bank, Philippines.

In violation of Title 18, United States Code, Sections 1512(c)(2) and 2.

COUNT EIGHT

(Obstruction of Justice and Attempt to do so - Aiding and Abetting)

1. Paragraph 1 of Count One is incorporated by reference.
2. On or about September 17, 2007, in furtherance of the conspiracy alleged in Count One of this Superseding Indictment, defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS, aided and abetted by each other, did corruptly obstruct, influence, and impede an official proceeding in the Northern District of West Virginia, and attempt to do so, in that defendant BARTON JOSEPH ADAMS wire transferred two hundred thousand (\$200,000) dollars to defendant JOSEPHINE ARTILLAGA ADAMS at HSBC Bank Canada.

In violation of Title 18, United States Code, Sections 1512(c)(2) and 2.

COUNT NINE

(Obstruction of Justice and Attempt to do so - Aiding and Abetting)

1. Paragraph 1 of Count One is incorporated by reference.
2. On or about September 25, 2007, in furtherance of the conspiracy alleged in Count One of this Superseding Indictment, defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS, aided and abetted by each other, did corruptly obstruct, influence, and impede an official proceeding in the Northern District of West Virginia, and attempt to do so, in that defendant BARTON JOSEPH ADAMS wire transferred ninety thousand (\$90,000) dollars to defendant JOSEPHINE ARTILLAGA ADAMS at HSBC Canada.

In violation of Title 18, United States Code, Sections 1512(c)(2) and 2.

COUNT TEN

(Obstruction of Justice and Attempt to do so - Aiding and Abetting)

1. Paragraph 1 of Count One is incorporated by reference.
2. On or about September 28, 2007, in furtherance of the conspiracy alleged in Count One of this Superseding Indictment, defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS, aided and abetted by each other, did corruptly obstruct, influence, and impede an official proceeding in the Northern District of West Virginia, and attempt to do so, in that defendant BARTON JOSEPH ADAMS wire transferred one hundred twenty thousand (\$120,000) dollars to defendant JOSEPHINE ARTILLAGA ADAMS at HSBC Bank Canada.

In violation of Title 18, United States Code, Sections 1512(c)(2) and 2.

COUNT ELEVEN

(Obstruction of Justice and Attempt to do so - Aiding and Abetting)

1. Paragraph 1 of Count One is incorporated by reference.
2. On or about November 6, 2007, in furtherance of the conspiracy alleged in Count One of this Superseding Indictment, defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS, aided and abetted by each other, did corruptly obstruct, influence, and impede an official proceeding in the Northern District of West Virginia, and attempt to do so, in that defendant BARTON JOSEPH ADAMS wire transferred two hundred seventy-two thousand nine hundred-thirty three dollars ten cents (\$272,933.10) to defendant JOSEPHINE ARTILLAGA ADAMS at HSBC Bank Canada.

In violation of Title 18, United States Code, Sections 1512(c)(2) and 2.

COUNT TWELVE

(Obstruction of Justice and Attempt to do so - Aiding and Abetting)

1. Paragraph 1 of Count One is incorporated by reference.
2. On or about November 14, 2007, in furtherance of the conspiracy alleged in Count One of this Superseding Indictment, defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS, aided and abetted by each other, did corruptly obstruct, influence, and impede an official proceeding in the Northern District of West Virginia, and attempt to do so, in that defendant BARTON JOSEPH ADAMS wire transferred two hundred thousand (\$200,000) dollars to defendant JOSEPHINE ARTILLAGA ADAMS at HSBC Bank Canada.

In violation of Title 18, United States Code, Sections 1512(c)(2) and 2.

COUNT THIRTEEN

(Obstruction of Justice and Attempt to do so - Aiding and Abetting)

1. Paragraph 1 of Count One is incorporated by reference.
2. On or about November 20, 2008, in furtherance of the conspiracy alleged in Count One of this Superseding Indictment, defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS, aided and abetted by each other, did corruptly obstruct, influence, and impede an official proceeding in the Northern District of West Virginia, and attempt to do so, in that defendant JOSEPHINE ARTILLAGA ADAMS negotiated a check in the amount of eight thousand eight hundred (\$8,800) dollars issued by HSBC Bank Hong Kong.

In violation of Title 18, United States Code, Sections 1512(c)(2) and 2

COUNT FOURTEEN

(Obstruction of Justice and Endeavor to do so - Aiding and Abetting)

On or about November 20, 2008, in furtherance of the conspiracy alleged in Count Two of this Superseding Indictment, defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS, aided and abetted by each other, did corruptly influence, obstruct, impede, and did endeavor to corruptly influence, obstruct and impede, the due administration of justice in the Northern District of West Virginia for the purpose of preventing and attempting to prevent forfeiture of criminally derived proceeds, in that defendant JOSEPHINE ARTILLAGA ADAMS negotiated a check in the amount of eight thousand eight hundred (\$8,800) dollars issued by HSBC Bank Hong Kong.

In violation of Title 18, United States Code, Sections 1503(a) and 2.

COUNT FIFTEEN

(Obstruction of Justice and Attempt to do so - Aiding and Abetting)

1. Paragraph 1 of Count One is incorporated by reference.
2. On or about December 2, 2008, in furtherance of the conspiracy alleged in Count One of this Superseding Indictment, defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS, aided and abetted by each other, did corruptly obstruct, influence, and impede an official proceeding in the Northern District of West Virginia, and attempt to do so, in that defendant JOSEPHINE ARTILLAGA ADAMS negotiated a check in the amount of fifteen thousand nine hundred eighty-eight dollars and eighty seven cents (\$15,988.87) issued by HSBC Bank Hong Kong.

In violation of Title 18, United States Code, Sections 1512(c)(2) and 2

COUNT SIXTEEN

(Obstruction of Justice and Endeavor to do so - Aiding and Abetting)

On or about December 2, 2008, in furtherance of the conspiracy alleged in Count Two of this Superseding Indictment, defendants BARTON JOSEPH ADAMS and JOSEPHINE ARTILLAGA ADAMS, aided and abetted by each other, did corruptly influence, obstruct, impede, and did endeavor to corruptly influence, obstruct and impede, the due administration of justice in the Northern District of West Virginia for the purpose preventing and attempting to prevent forfeiture of criminally derived proceeds and for the purpose of defeating and attempting to defeat the Protective Order entered by the Court in Case No. 3:08CR77 on November 21, 2008, in that defendant JOSEPHINE ARTILLAGA ADAMS negotiated a check in the amount of fifteen thousand nine hundred eighty-eight dollars and eighty seven cents (\$15,988.87) issued by HSBC Bank Hong Kong.

In violation of Title 18, United States Code, Section 1503(a) and 2.

A True Bill,

/s/
Grand Jury Foreperson

/s/
WILLIAM J. IHLENFELD, II
UNITED STATES ATTORNEY